

ORDINANCE NO. 2013-79

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL LOT COVERAGE OF 38%, WHERE A MAXIMUM OF 30% LOT COVERAGE IS REQUIRED; A WEST SIDE SETBACK OF 6.9 FEET FOR THE EXISTING RESIDENCE AND AN EAST SIDE SETBACK OF 3.9 FEET, FOR AN OPEN TERRACE, WHERE A MINIMUM OF 7.5 FEET ARE REQUIRED FOR EACH SETBACK, CONTRA TO HIALEAH CODE §§ 98-2056(b)(2) AND 98-546. **PROPERTY LOCATED AT 333 EAST 15 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hialeah, Florida at its regular meeting of October 8, 2013 directed the Law Department to provide this ordinance overriding the Planning and Zoning Board's recommendation of denial at its regular meeting of August 28, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: A variance permit is hereby granted to allow a total lot coverage of 38%, where a maximum of 30% lot coverage is required; a west side setback of 6.9 feet for the existing residence and an east side setback of 3.9 feet, for an open terrace, where a minimum of 7.5 feet are required for each setback, contra to Hialeah Code §§ 98-2056(b)(2) and 98-546, which provides in pertinent part: " In the R-2 one- and two-family residential district, there shall be side yards, . . . but in no case shall each such side yard be less than 7½ feet in width." and "In addition, every residential development . . . shall comply with the following . . . lot coverage requirements: . . . (2) A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.", respectively. Property located at 333

East 15 Avenue, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two-Family Residential District), and legally described as follows:

LOT 20 AND THE WEST 25 FEET OF LOT 19, BLOCK 89,
AMENDED PLAT OF FIRST ADDITION TO THE TOWN OF
HIALEAH, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 5, PAGE 122, OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of November, 2013.



Isis Garcia-Martinez
Council President

Attest:

Approved on this 13 day of November, 2013.



Marbelys Fatjo, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes"